

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GE HFS HOLDINGS, INC.,
formerly known as
HELLER HEALTHCARE FINANCE, INC.
Plaintiff,

vs.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.
Defendant.

Civil Action No. 05-11128 NG

JOINT STATEMENT AND DISCOVERY PLAN

Plaintiff GE HFS Holdings, Inc., formerly known as Heller Healthcare Finance, Inc. (“Heller”), and defendant National Union Fire Insurance Company of Pittsburgh, PA., (“National Union”) hereby jointly submit this joint statement and discovery plan:

I. Rule 26(f) Conference of the Parties

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(b), counsel for Heller and counsel for National Union spoke on August 25, 2005 to discuss: (i) the nature and basis of their claims and defenses; (ii) the possibility of settlement or resolution of the case; (iii) arrangements for the disclosures required by Rule 26(a)(1); (iv) a proposed pretrial plan for the case that includes a discovery plan; (v) an agenda of items, if any, to be discussed at the scheduling conference; and (vi) whether they will consent to trial by magistrate judge.

II. Local Rule 16.1 Settlement Proposal

Pursuant to Local Rule 16.1, on September 2, 2005, counsel for Heller presented a written settlement proposal to counsel for National Union.

III. Proposed Joint Schedule

EVENT	DATE
Initial Disclosure served, including production of identified documents	September 28, 2005
Completion of Fact Discovery	July 1, 2006
Expert Reports	August 1, 2006
Rebuttal Expert Reports	August 21, 2006
Complete Expert Depositions	September 15, 2006
Motions for Summary Judgment Filed	November 15, 2006
Oppositions to Summary Judgment Filed	December 15, 2006
Final Pre-Trial Conference	To be scheduled at Court's Convenience

IV. Modification of Scheduled Dates

All dates set forth herein may be modified by written agreement of the parties with approval of the Court.

V. Trial by Magistrate

The parties are not willing to consent to a trial by magistrate judge.

VI. Certifications

Counsel for the parties certify that they have conferred with their respective clients with a view to establishing a budget for the costs of conducting the full course and various alternative courses of this litigation and to consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

GE HFS HOLDINGS, INC.,
formerly known as
HELLER HEALTHCARE
FINANCE, INC.,

By its attorneys,

/s/ Jeffrey E. Francis

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September 7, 2005

Respectfully submitted,

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.

By its attorneys,

/s/ Mary Patricia Cormier

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